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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,168

04/10/2006

Fujio Koeda

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38834

7590

05/12/2008

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

DURHAM, NATHAN E

ART UNIT

PAPER NUMBER

3765

MAIL DATE

DELIVERY MODE

05/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,168	Applicant(s) KOEDA ET AL.	
	Examiner NATHAN E. DURHAM	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Amendment***

Applicant's amendment and corresponding arguments, filed 4 October 2008, have been reviewed and considered. Claims 3 and 4 have been amended and claims 1 and 2 have previously been canceled. Therefore, claims 3 and 4 are currently pending. The applicant's amendment is considered sufficient in overcoming the rejection of claims 3 and 4 under 35 U.S.C. 102(b) by WANG (U.S. Patent 6,135,330) as presented in the previous Office Action. Therefore, the applicant's corresponding arguments have been considered but are moot in view of the new ground(s) of rejection. This Office Action is a Final Rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

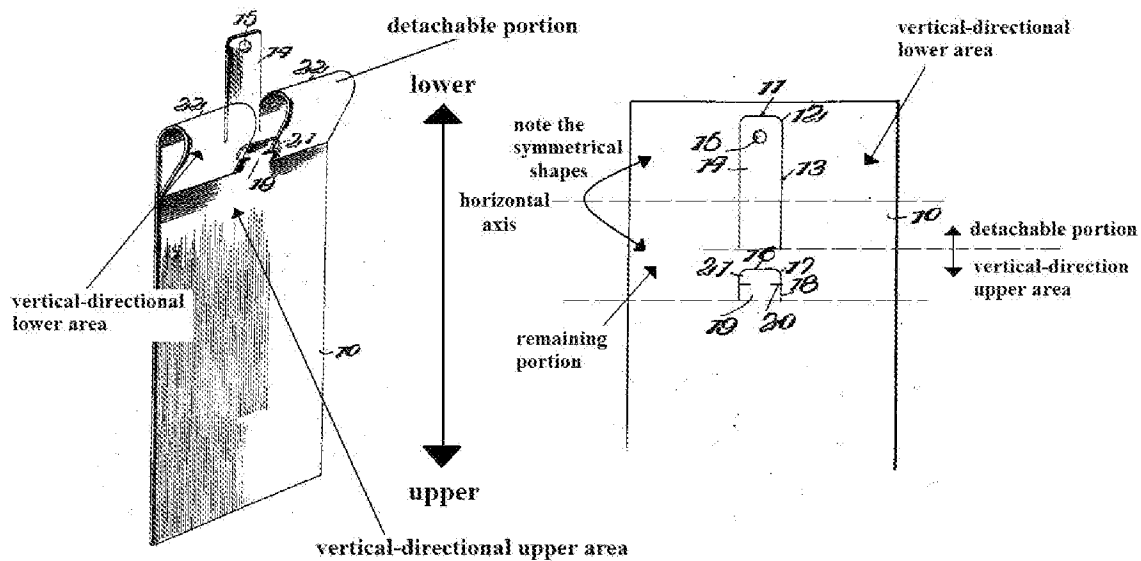
Claims 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by WORDINGHAM (U.S. Patent 1,179,596).

Regarding claim 3, WORDINGHAM discloses a clothes holding device comprising a flexible member (10 excluding 14) formed on a surface of a wall (14) wherein a detachable portion (around 22, refer to figure below) of the flexible

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member is detached from the wall in a line symmetrical shape (refer to figure below) with a horizontal axis (refer to the figure below) as a symmetrical axis (Figures 2 and 3). Element around 22 is shown being detachable from element 14 by being folded over itself to form a shoulder support for a garment (Figures 1 and 2). The surface of 14 is integral with the rest of flexible member 10 and therefore the flexible member 10 is considered “formed” on the surface of wall 14. WORDINGHAM discloses a vertical-directional upper area (refer to figure below) not detachable from the wall so that a vertical-directional lower area (22, refer to figure below) is bent along the horizontal axis (Figures 2 and 3). Note that the applicant has failed to claim any structural limitations with reference to “upper” and “lower” and therefore something being “upper” or “lower” is based on personal perspective (Refer to the figure below). FEIGELMAN discloses a bent portion (refer to figure below) and a remaining portion (refer to figure below) being capable of holding clothes when the detachable portion is detached (Figures 1 and 2) and when the detachable portion is not detached the bent portion and the remaining portion are assimilated in the flexible member formed on a surface of the wall and are thereby recognized as a portion of the surface of the wall to naked eyes (Fig. 3). Future note: It is the examiner’s suggestion that the applicant claim more of the structural relationship between the wall, the flexible member and the clothes hanger. The applicant needs to further explain how the flexible member (i.e. wall covering) “covers” (instead of using the term “formed”) the entire surface of the wall and how the hanger is a cutout within the wall covering.

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Regarding claim 4, WORDINGHAM discloses an engagement member in the vertical-directional upper area (18, 19, 20) and in the vertical-directional lower area (edges of the vertical-directional lower area as shown in figure 2) (Figures 2 and 3). WORDINGHAM discloses the engagement members being engaged with each other thereby a status where the vertical-directional lower area is bent along the horizontal axis is maintained (Fig. 2).

Conclusion

The prior art made of record, as cited on attached PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN E. DURHAM whose telephone number is (571)272-8642. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NED

/Gary L. Welch/

Supervisory Patent Examiner, Art Unit 3765